

## **Washington Horse Racing Commission**

### **Drug and Alcohol Testing**

#### **Policy/Interpretive Statement 2007-03**

In order to protect the integrity of horse racing in the state of Washington, and to protect the interests and safety of the public and participants, the Washington Horse Racing Commission (WHRC) intends to regulate the use of any illegal controlled substance and the improper use of alcohol by licensees at all race meets.

WAC 260-34-030 allows a commission steward, commission security investigator, or the commission acting through the executive secretary to require any licensee or applicant to provide a breath, blood and/or urine sample for the purpose of drug or alcohol testing under the following circumstances;

- When a commission steward, investigator or executive secretary has reasonable suspicion to believe that an applicant or licensee has used or is under the influence of alcohol and/or drugs.
- When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug use or has a documented history of violations of chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020, or similar drug-related violation and is within five years of conviction or release from a correctional institution (whichever date is later);
- When a commission steward or investigator decides to test any applicant or licensee as a result of a probationary or license with conditions; or
- When a person is riding on the grounds of a licensed racing association.

The following policies will be applicable to all applicants and licensees on the grounds of any racetrack during its licensed race meet and period of training:

#### **Persons on Horseback**

Each week the commission supervising investigator will query the Equine Licensing and Management System (ELMS) for a random list of names of applicants and licensees who meet the criteria described in WAC 260-34-030 (1,d). (During the Class C race meet a second list will be generated for the names of those licensees to be tested at those locations.) The following process will be followed when selecting individuals who will be randomly tested:

### Emerald Downs

- The names of three individuals who are licensed as an exercise rider, jockey, apprentice jockey, pony rider, and/or outrider. Of the three persons on this list, two will be persons licensed as exercise riders and one will be a person licensed as a jockey, apprentice jockey, pony person or outrider.
- To test a person on horseback, the commission security investigator must first observe the person on horseback, and then can either require the person to dismount to be tested or wait until after they have finished riding and test them then. Persons licensed as jockeys and apprentice jockeys may be tested when named on a horse that is entered to run.
- Prior to the start of the live race meet, during the period of training, the total number of names selected on a weekly basis may be reduced as determined by the commission supervising investigator.

### Class C Race Meets

- One person on horseback will be selected each week throughout the racing season, or when the commission takes control of the grounds as determined in WAC 260-24-510(2).

Once a random list of names is generated, the commission security investigators will have seven days to contact the persons listed and request a breath, blood or urine sample for the purpose of drug or alcohol analysis.

### **Persons Licensed with Conditions**

The following procedure will be used when monitoring persons granted a license with conditions, for the purpose of drug and/or alcohol testing, testing will only be conducted at the discretion of the stewards or executive secretary:

- A person may be granted a license with conditions by the WHRC or the stewards. If such a license is granted the conditions will apply for as long as provided for in the commission order, or stewards' ruling, usually for a period of two years, unless otherwise specified.
- The board of stewards will maintain a list of all licensees who have been granted such a license. Each week the stewards may select any number of licensees from this list for drug and/or alcohol testing.
- A record will be kept of individuals tested, including the date tested and the results of any tests. The goal is to generally select different licensees each week to be tested until all such licensees are tested. Certain licensees, depending on the

circumstances may be tested more often. After all individuals licensed with conditions are tested, the process may be repeated.

- If an individual licensed with conditions has been tested from a random list for persons on horseback, this will be noted and considered by the stewards when making the determination of which licensees to test.
- Owners which have been granted a conditional license that include drug and alcohol testing will only be tested under the following conditions.
  - They are actively participating in the care and training of their horse.
  - They are contacted in the stable area and brought to the WHRC office for testing.

It is the intent of the WHRC to ensure all persons granted a license with conditions be routinely tested to verify compliance with the WHRC's orders and stewards rulings.

For all testing, the commission will maintain a log of the names, dates, and results of all testing. This log will be considered a public record, disclosable under the public records laws of this state.

#### Use of Controlled Substances with a Prescription

Licensees performing the duties of their license and taking any controlled medication prescribed by a physician should be prepared to comply with the following procedures if tested for drugs:

- When asked to provide a urine sample, a licensee must inform the investigator or person taking the sample of the type and dose of medication prior to giving the sample.
- If the field test results are positive, the licensee may be required to produce the prescription bottle with the following information listed: The name of the physician prescribing the medication, patient's name, name of drug, strength and prescribed usage, and the date the medication was prescribed. In addition, the licensee may be required to produce a written confirmation from the prescribing physician that the licensee is able to perform the duties of their license while under the influence of the drug at the prescribed dosage.
- If required, the prescription bottle with the required information listed must be presented prior to the licensee being allowed to continue working.

- WAC 260-36-062 allows the board of stewards to require a person on horseback to provide a physician's written statement verifying fitness to ride before being allowed to ride. If the board of stewards believes the medical condition and/or the medication being prescribed poses a threat to public safety and welfare a rider may be required to provide a written statement from his/her physician verifying fitness to ride. If requested, written documentation from the physician that prescribed the medication must be received within seven days of the positive test. The physicians statement must be returned with the following information:
  - Must be on the physician's letterhead and signed by the prescribing physician.
  - Must state whether the licensee's physical condition would affect his/her ability to perform the specific duties of their license. The letter must verify that even with the medical condition the rider is physically fit to ride.
  - Must confirm whether the medications taken separately or in combination, in the doses prescribed, would affect the licensee's ability to perform the duties of their license without being a threat to the safety and welfare of other participants or equine athletes.
- If requested, failure to provide this information will result in the licensee being unable to return to work until a clean sample has been provided and the original test may be considered a violation of the WHRC's drug testing rules

Physical requirements for persons on horseback are available from the commission. Licensees should consider obtaining documentation from their physician at the time the licensee is prescribed the medication. Having this information in advance of testing may ensure the licensee will be allowed to continue working after a positive test. This will be especially important to jockeys, who may test positive for a prescribed medication on a race day.

Adopted by the Washington Horse Racing Commission  
 February 11, 2010. Amended by the WHRC on July 12, 2007  
 Original policy was effective on March 8, 2007